IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.8110 of 2007

with

Writ Petition Nos.8111 of 2007, 8112 of 2007, 8116 of 2007, 8117 of 2007, 8118 of 2007, 8127 of 2007, 8128 of 2007, 8129 of 2007, 8138 of 2007 and 8139 of 2007.

Pune District Suraksha Rakshak
Maharashtra, Pune ...Petitioners.

Vs

Pune District Security Guards
Board and ors ..Respondents

Mr.S.S.Pakale for the petitioners
Ms Lata Desai i/b Ms Pallavi Divekar for respondent No.1

CORAM: SWATANTER KUMAR, C.J., &
Dr.D.Y.CHANDRACHUD, J.

Dated: 29th October 2007

P.C.:

1 Notice to the respondents. The learned counsel for the respondent No.1 waives notice. In spite of court notice to respondent Nos. 2 and 3 none appears. Affidavit of service has already been filed and placed on record. It is commonly conceded that the above referred

writ petitions can be disposed of in terms of order dated 21st June 2007 passed in a group of Writ Petition Nos. 563 of 2007 and other writ petitions with the following directions :.

(i) All the security guards, petitioners in all the petitions or the members of the Sangh or the Unions through whom the present petitions have been filed and who have not already filed applications for their registration with the respondent-Board may file such applications within four weeks from today.

(ii) All the pending applications for registration as security guards filed by the individuals as well as the applications received by the Board under clause (i) shall be dealt with and disposed of by the Board in accordance with the Regulations and policies framed by the Board within six weeks thereafter. Orders so passed by the Board shall be notified, besides copies thereof being sent to the Union or individual workmen who have filed these petitions.

(iii) The employer of members of these petitioners and/or even other employers desirous of getting registered with the respondent-Board for providing of security personnel would be also at liberty to move such applications within four weeks from today and the same shall be considered and disposed of by the Board in accordance with law within six weeks thereafter.

(iv) The Board, through its Officers/Officials, shall duly verify the stand of the private employers that the workmen/security guards are not employed and/or whether the workmen/security guards employed by them are or not performing the duties of a security guard and shall prepare an inspection report after site visits. Such report would be considered by the authorities concerned for passing an appropriate order.

(v) The individual security guards who are then registered by the Board shall be allocated to such concerns/establishments which are desirous of deploying security guards and/or those security guards who are in employment and are then registered shall be

granted all the benefits in terms of the Regulations upon the direction of the Board.

(vi) After completion of the above exercise, the Board shall consider and initiate penal action against the private respondent-employers in accordance with the provisions of clause 42 of the Security Guards Scheme, 2005, and the relevant clause on the date of passing of this order

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(vii) Wherever private respondent-employers are required to apply for registration with the respondent-Board, they shall apply, even if, according to them, the members of the petitioners are not employed strictly as security guards and are employed as attendants or car cleaners, etc. This scheme shall be duly considered by the Board and decided in accordance with law. We also make it clear that while allotting the services of the security guards, the Board will keep in mind the fact that where were they employed at the time or prior to the institution of these writ petitions.

(viii)The process of registration in either case shall be subject to the satisfaction of the eligibility criteria in relation to various factors which are specified under the Regulations or the Security Guards Scheme framed in 2005".

All the above writ petitions are accordingly disposed of leaving he parties to bear their own costs.

CHIEF JUSTICE

Dr. D.Y.CHANDRACHUD, J.